

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

ADVANCED FIBER TECHNOLOGIES
(AFT) TRUST,

Plaintiff,

-against-

J&L FIBER SERVICES, INC.,

Defendant.

Civil Action No: 07-01191 LEK/DRH

**NOTICE OF MOTION AND MOTION OF J&L FIBER SERVICES, INC. FOR
RECONSIDERATION (MEMORANDUM-DECISION AND ORDER, DKT. NO. 114)**

PLEASE TAKE NOTICE that upon the Declaration of David R. Cross and the exhibits annexed thereto, and for the reasons set forth in the accompanying Memorandum of Law, and upon such other evidence and argument as the Court may consider, Defendant J&L Fiber Services, Inc. will move this Court before Hon. Lawrence E. Kahn, Senior United States District Judge, at the United States Courthouse, 445 Broadway, Albany, New York on November 5, 2010 at 9:30 a.m. or as soon thereafter as counsel may be heard, for an Order declaring that under the Disclosure-Dedication rule wedgewire is not equivalent to a perforated barrier and AFT's complaint is accordingly dismissed.

Dated: September 27, 2010

Respectfully submitted,

/s/ David R. Cross

David R. Cross

Johanna M. Wilbert

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